

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0871-03
Bill No.: Perfected HCS for HB 457
Subject: Medical Procedures and Personnel; Physicians
Type: Original
Date: March 11, 2013

Bill Summary: This proposal specifies that anyone providing medical services cannot be required to perform or participate in activities that violate his or her conscience or principles.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **University of Missouri (University)** state no fiscal impact can be calculated at this time. Officials are not aware of instances in which the University has taken actions that would violate the terms of this proposal as presently drafted. Nonetheless, creating a cause of action for health care providers that does not presently exist could expose the University to defense and liability costs in the event that a health care worker brings an action against the University or its officials under the statute. However, it is not possible to determine the likelihood of such actions or the amount of such defense or potential liability costs at this time.

Oversight assumes the potential for litigation to be speculative and is not presenting these potential costs in the fiscal note.

Due to time constraints, officials from the **Office of Attorney General (AGO)** did not respond to **Oversight's** request for a statement of fiscal impact. However, in response to an earlier version of this proposal, the AGO assumed any potential costs arising from this proposal can be absorbed with existing resources. However, if multiple proposals or significant litigation results, the AGO may seek an additional future appropriation.

Officials from the **Department of Social Services (DSS) - MO HealthNet Division (MHD)** state in the provider participation section of the fee-for-service provider manuals, a MO HealthNet provider must comply with all laws, policies, and regulations of Missouri and the federal government. It further states that a provider must also comply with the standards and ethics of his or her business or profession to qualify as a participant in the program.

Managed care contracts include language which prohibits the health plan from requiring a provider to perform a service contrary to the provider's conscience and allows the provider to make a referral to another health care provider licensed to provide the appropriate care. Therefore, there is no fiscal impact to the MHD.

Officials from the **Department of Mental Health (DMH)** state "specified medical procedures or research" is defined as: abortion, abortion-inducing drugs, contraception, sterilization which is not medically necessary, assisted reproduction, human cloning, human embryonic stem-cell research, human somatic cell nuclear transfer, fetal tissue research, and non-therapeutic fetal experimentation. Since the DMH does not participate in such specified medical procedures or research, there should not be a fiscal impact to the department.

Officials from the **Department of Higher Education (DHE)** state the proposal would have no direct, foreseeable fiscal impact on the DHE.

ASSUMPTION (continued)

Due to time constraints, officials from the **Office of Prosecution Services (OPS)** did not respond to **Oversight's** request for a statement of fiscal impact. However, in response to the earlier version of this proposal, the OPS assumed the proposal would have no measurable fiscal impact on their organization.

Officials from the **Office of State Courts Administrator**, the **Department of Insurance, Financial Institutions, and Professional Registration**, the **Department of Health and Senior Services**, the **Department of Labor and Industrial Relations**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Harrison County Health Department** and **Missouri State University** each assume the proposal would not fiscally impact their respective agencies.

Due to time constraints, officials from the **Office of Administration**, the **Missouri Consolidated Health Care Plan** and the **Missouri Department of Conservation** did not respond to **Oversight's** request for a statement of fiscal impact. However, in response to the previous version of this proposal, each of the agencies assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Public Safety - Missouri State Highway Patrol** defer to the Missouri Department of Transportation Employee Benefits Section for response regarding the potential fiscal impact of this proposal on their organization.

Officials from the **Reynolds County Health Center** responded to **Oversight's** request but did not provide a statement of fiscal impact.

Officials from the **Missouri Department of Transportation (MoDOT)** did not respond to **Oversight's** request for a statement of fiscal impact. However, in response to similar legislation from the prior session, HB 1541 (2012), MoDOT officials assumed the proposal would have no fiscal impact on their organization.

No additional hospitals, universities, or local public health agencies responded to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<u>FISCAL IMPACT - Small Business</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
Office of State Courts Administrator
Department of Higher Education
Department of Insurance, Financial Institutions,
and Professional Registration
Department of Mental Health
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Social Services
Department of Public Safety -
Missouri State Highway Patrol
Missouri Consolidated Health Care Plan
Missouri Department of Conservation
Office of Prosecution Services
Missouri State University
University of Missouri
Columbia/Boone County Department of Public Health and Human Services
Harrison County Health Department
Reynolds County Health Center

Not Responding:

Missouri Department of Transportation



L.R. No. 0871-03
Bill No. Perfected HCS for HB 457
Page 6 of 6
March 11, 2013

Ross Strobe
Acting Director
March 11, 2013